

REMARKS

In the Office Action, claims 1-4, 8, 10-11 and 15-18 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,948,360 to Rao et al. Claims 1-4, 8, 10-11 and 15-18 are additionally rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,489,521 to Buckle et al. Claim 18 is additionally rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,473,437 to Blumenfeld and U.S. Patent No. 5,472,669 to Miki et al.

Claim 10 is additionally rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 3,489,521 to Buckle et al. in view of U.S. Patent No. 5,948,360 to Rao et al. Claims 5, 7 and 14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,948,360 to Rao et al. in view of U.S. Patent No. 3,384,353 to Worth et al. Claims 5, 7 and 14 are additionally rejected as being unpatentable over U.S. Patent No. 3,489,521 to Buckle et al. in view of U.S. Patent No. 3,384,353 to Worth et al. Claims 6 and 9 are rejected as being unpatentable over U.S. Patent No. 5,948,360 to Rao et al. in view of U.S. Patent No. 2,518,758 to Cook. Claims 6 and 9 are further rejected as being unpatentable over U.S. Patent No. 3,489,521 to Buckle et al. in view of U.S. Patent No. 2,518,758 to Cook. The Office Action additionally indicates that claims 12 and 13 are rejected, and that the drawings are objected to.

At the outset, Applicants would like to thank Examiner Elve for the courtesies extended during the telephonic interview of December 6, 2004. In the interview, the Examiner indicated that the drawings are objected to as being informal. The Examiner also indicated that the Office Action failed to give a rationale for rejecting claims 12 and 13.

Applicants have included with this Response formal drawings.

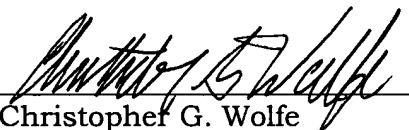
Applicants submit that the formal drawings address the Examiner's concerns and therefore request that the objection to the drawings be withdrawn.

Applicants have herein amended independent claims 1 to recite, "at least one magnetic field source disposed to rotate a magnetic field about the vial cup at a rotational speed that varies as a function of angular position." Applicants have also amended independent claims 11 and 18 to contain similar limitations. Applicants submit that the amendments find support throughout the specification and claims as filed including, for example, at page 8, lines 3-12. Applicants submit that none of the cited references teach the above limitation. Therefore, Applicants submit that claims 1, 11 and 18 as well as claims 2-10 and 12-17 that depend therefrom, are allowable over the cited references.

CONCLUSION

Applicants believe that they have fully addressed each basis for rejection. Favorable reconsideration of the claims of the subject application and issuance of a Notice of Allowance is respectfully requested. Should the Examiner have any remaining concerns, she is requested to contact the undersigned at the telephone number below so that those concerns may be addressed without the necessity for issuing an additional Office Action.

Respectfully submitted,


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